

REMARKS

Claims 1-13 and 18-20 are all the claims pending in the application. Claims 14-17 are canceled by this Amendment.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

I. Claim Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 18 and 20 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner states that:

It is not understood what the “program” is in claims 18 and 20 and how it can be executed to write the specific ink type since the present specification does not show the detail structure of the program and explain how it can perform the recited function.

MPEP §2164.01 states that the test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosure in the patent coupled with information known in the art without undue experimentation. An inventor, however, is not required to explain every detail since he is speaking to those skilled in the art. “What is conventional knowledge will be read into the disclosure.” In re Howarth, 210 USPQ 689, 691-92 (CCPA 1981).

The Examiner states that a detailed structure of the “program” and an explanation as to how the “program” performs the recited functions need to be disclosed in the specification. Applicant respectfully disagrees. As clearly set forth in the MPEP, “a patent need not teach, and preferably omits, what is well known in the art.” See MPEP 2194.01. Applicant respectfully submits that that structure and utilization of a software “program” for carrying out certain operations is well known to those of ordinary skill in the art.

Indeed, the Federal Circuit addressed a similar rejection in Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 941 (Fed. Cir. 1990). In this case, the Patent Office asserted that the specification was not enabling because the specification lacked any information concerning the details of the invention’s software program. The court, however, recognized that the claimed invention was not in the details of the program writing, but in the apparatus and method whose patentability was based on the claimed combination of components and operations and, accordingly, that even in the absence of detailed flow charts, block diagrams, or source code listings, a programmer of reasonable skill could write a satisfactory program with ordinary effort. Northern Telecom, Inc., 908 F.2d at 942-943.

In the present application, because the specification discloses the operations that the claimed program is carrying out in an enabling way, Applicant submits that one of ordinary skill in the art would be able to implement the invention by a software program without undue experimentation. Therefore, the present specification is enabling such that a programmer of reasonable skill could write a program that implements the operations performed by the “program” as recited in claims 18 and 20.

Based on the foregoing, Applicant submits that the specification enables one of ordinary skill in the art to make and/or use the claimed invention. Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

II. Claim Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1-13 and 18-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection in view of the following remarks.

A. Regarding claim 1, the Examiner asserts that the recitation of “capable of” in line 2 renders the claim indefinite because it does not positively recite the claimed invention. Applicant respectfully disagrees.

Claim 1 sets forth the feature of “a cartridge holder capable of removably attaching an ink cartridge.” Applicant respectfully submits that the cartridge holder in claim 1 is positively recited (i.e., “a cartridge holder”) followed by a functional phrase (i.e., “capable of removably attaching an ink cartridge”) describing the function of the claimed cartridge holder.

The Examiner appears to be suggesting that the claim limitation is improper because it is described in functional terms rather than purely structural terms. The MPEP and the courts,

however, make it abundantly clear that functional statements may be included as elements of a claim.

The MPEP, for example, specifically points out that there is nothing intrinsically wrong in defining something by what it does rather than by what it is. See MPEP §2173.05(g). A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” MPEP §2173.05(g) (emphasis added).

Further, Applicant respectfully submits that the Examiner is improperly equating breadth with indefiniteness. The fact that a claim is broad, however, does not necessitate a rejection for indefiniteness reasons (see MPEP §2173.04). In non-chemical arts, a claim may generally be written as broadly as permitted by the prior art.

Based on the foregoing, Applicant requests that the rejection be reconsidered and withdrawn.

B. The Examiner also asserts that the phrase “can be” on line 13 of claim 1 renders the claim indefinite because it does not positively recite the claimed invention. For similar reasons as discussed above, Applicant disagrees.

Claim 1 recites that “in case in which it is decided that the ink type information has not yet been set, ink type information is set so that type of ink accommodated in the attached ink cartridge can be used.” Applicant submits that this phrase is a functional limitation which

accurately describes the situation in which ink type information has not yet been set (see pages 5-6 of the specification).

As explained above, a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” MPEP §2173.05(g) (emphasis added). Based on the foregoing, Applicant requests that the rejection be reconsidered and withdrawn.

C. The Examiner asserts that the recitation “ink type information” on line 12 of claim 1 is confusing because it is not clear if this is a further recitation of the “ink type information” recited elsewhere in the claim. Applicant has amended the claim to provide proper antecedent basis and, therefore, respectfully requests that the rejection be reconsidered and withdrawn.

D. The Examiner asserts that claim 1 is indefinite because it is unclear what the “ink type information” is, how it can be used in the apparatus, how it can be set and the decision can be made whether the ink type information has already been set or not yet been set since no means for performing the deciding and setting function are recited. Applicant respectfully disagrees.

Based on the plain meaning of the claim terms, Applicant submits that one of ordinary skill in the art would clearly understand the meaning of “ink type information.” Specifically, the phrase “ink type information” merely refers to information regarding a type of ink that is being used.

Regarding the Examiner's assertion that the claim does not set forth a means for performing a deciding and setting function, Applicant submits that such language is simply not required under 35 U.S.C. § 112, second paragraph.

The claimed invention is drawn to an ink jet type recording apparatus. Applicant respectfully submits that the scope of the subject matter embraced by the claimed invention is clear and that Applicant has not otherwise indicated that the invention is to be of a scope different from that defined in the claims. The mere absence of a limitation in a claim that is described in the specification does not make a claim indefinite.

Again, the Examiner is improperly equating breadth with indefiniteness. MPEP § 2173.04. As explained above, the fact that a claim is broad does not necessitate a rejection for indefiniteness reasons. In non-chemical arts, a claim may generally be written as broadly as permitted by the prior art. Accordingly, Applicant respectfully requests withdrawal of the rejection.

E. Regarding claim 4, the Examiner asserts that the recitation of "if" on line 8 renders the claim indefinite because it does not positively recite the claimed invention. Again, Applicant disagrees.

Claim 4 recites that "wherein operation of the recording apparatus is inhibited if the matching deciding system decides that the matching is unavailable." This phrase is a functional limitation of the claim which accurately describes the operation of the recording apparatus under

a certain condition. As explained above, a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” MPEP §2173.05(g) (emphasis added).

Based on the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

F. The Examiner asserts that the recitation of “set ink type information” in claim 4 is unclear because it is uncertain whether this is a further recitation of the “ink type information” recited elsewhere in the claims. Applicant has amended claim 4 in a manner believed to overcome this rejection. Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection.

G. The Examiner asserts claim 4 is indefinite because it is unclear where the “newly attached ink cartridge” comes from and how it can be attached. Applicant respectfully disagrees. According to the plain meaning of the claim terms, Applicant submits that one of ordinary skill in the art would clearly understand that the meaning of “a newly attached ink cartridge” is a cartridge which is newly attached to the cartridge holder.

Regarding the Examiner’s assertion that the claim does not set forth where the newly attached cartridge comes from and how it can be attached, Applicant submits that such language is not required under 35 U.S.C. § 112, second paragraph.

The claimed invention is drawn to an ink jet type recording apparatus. Applicant respectfully submits that the scope of the subject matter embraced by the claimed invention is clear and that Applicant has not otherwise indicated that the invention is to be of a scope different from that defined in the claims. The mere absence of a limitation in a claim that is described in the specification does not make a claim indefinite.

Again, the Examiner is improperly equating breadth with indefiniteness. MPEP § 2173.04. As explained above, the fact that a claim is broad does not necessitate a rejection for indefiniteness reasons. Accordingly, Applicant respectfully requests withdrawal of the rejection.

H. The Examiner asserts that claims 4 and 5 are indefinite because the “matching deciding system” is incomplete because it is not connected to anything and, therefore, the claimed system cannot perform the recited function. Applicant disagrees.

Claims 4 and 5 recite the feature of “a matching deciding system for deciding whether or not a matching is available between the ink type information that has been set and an ink type information obtained from a newly attached ink cartridge...” Applicant submits that this claim limitation positively sets forth the matching system along with the matching system’s corresponding function in relation to the “ink type information that has been set.”

Accordingly, as the “matching system” and its corresponding function are correlated to the “ink type information that has been set,” Applicant respectfully submits that the claim is not

indefinite and that one of ordinary skill in the art would understand the meaning of the phrase when read in light of the specification.

I. Regarding claim 5, the Examiner asserts that it is not clear how an alarm can be “given” and where it comes from. Applicant has amended the claim to recite that the alarm is “activated.” Regarding the Examiner’s position that it is not clear where the alarm comes from, Applicant submits that there is no requirement that this feature be recited in the claim under 35 U.S.C. § 112, second paragraph.

Applicant respectfully submits that the scope of the subject matter embraced by the claimed invention is clear and that Applicant has not otherwise indicated that the invention is to be of a scope different from that defined in the claims. The mere absence of a limitation in a claim that is described in the specification does not make a claim indefinite.

Again, the Examiner is improperly equating breadth with indefiniteness. MPEP § 2173.04. As explained above, the fact that a claim is broad does not necessitate a rejection for indefiniteness reasons. Accordingly, Applicant respectfully requests withdrawal of the rejection.

J. Regarding claims 6, 8 and 9 the Examiner asserts that the claims are indefinite because it is not clear what the “operation sequence” is and how it can be set, what the “image processing method” is since it is not clearly defined and what the “ink type setting permission information” is and how it can be “obtained.”

In claim 8, Applicant has amended the phrase “image processing method” to recite “image processing condition” in order to be consistent with the specification (e.g., see Page 24 of the specification).

Applicant submits that when read in light of the specification, one of ordinary skill in the art would clearly understand the meaning of “operation sequence,” “image processing condition” and “ink type setting permission information.”

For example, the “operation sequence” is described in an illustrative, non-limiting embodiments of the present invention on pages 22-23 of the specification. The “image processing condition” is described in an illustrative, non-limiting embodiment of the present invention on page 24 of the specification and “ink type setting permission information” is described in an illustrative, non limiting embodiment of the present invention on pages 29-30 of the specification.

K. Regarding claim 18, the Examiner asserts that it is unclear what is meant by “in an ink type by ink type basis.” Applicant has amended the phrase in a manner to overcome this rejection.

L. The Examiner asserts that the phrase “can be” on line 13 of claim 18 renders the claim indefinite because it does not positively recite the claimed invention. For similar reasons as discussed above, Applicant disagrees.

Applicant submits that the limitation which uses the phrase “can be” is a functional limitation which accurately describes the situation in which an ink type can be written to a memory area. As explained above, a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” MPEP §2173.05(g) (emphasis added).

The Examiner also asserts that the phrases “the attached ink cartridges” and “the specific ink type” lacks antecedent basis. Applicant has amended the claim in a manner believe to overcome this rejection. Based on the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

M. Regarding claim 19, the Examiner asserts that it is unclear if the “memory area” is an additional memory area or a further recitation of the previously claimed “memory” on line 3. Applicant submits that the claim clearly sets forth “an ink cartridge memory” and “a memory area of the ink cartridge memory” on line 7. Therefore, it is clear that the memory area is part of the ink cartridge memory.

N. The Examiner asserts that the term “constituted” in claim 18 is unclear. Applicant has amended the claim by replacing “constituted” with the word --is--.

O. The Examiner also asserts that it is not clear how the permission information in claim 18 can be written, read or erased, since no writing means, reading means and erasing

means are recited. Again, the Examiner is improperly equating breadth with indefiniteness. MPEP § 2173.04. As explained above, the fact that a claim is broad does not necessitate a rejection for indefiniteness reasons.

Applicant submits that there is no requirement that these features be recited in the claim under 35 U.S.C. § 112, second paragraph. The scope of the subject matter embraced by the claimed invention is clear and that Applicant has not otherwise indicated that the invention is to be of a scope different from that defined in the claims. The mere absence of a limitation in a claim that is described in the specification does not make a claim indefinite.

P. The Examiner asserts that the claim 19 is incomplete because the ink container and the memory are not connected together and, therefore, the claimed cartridge may not perform the recited function. Applicant respectfully disagrees.

Claim 19 sets forth “an ink container containing ink” and “an ink cartridge memory storing therein ink type information indicative of a type of the ink.”

Accordingly, as the “ink cartridge memory” stores information regarding the ink that is stored in the ink container, Applicant submits that there is a connection between the claimed “ink container” and the “ink cartridge memory” such that one of ordinary skill in the art would understand the meaning of the phrases when reading the claims.

Based on the foregoing, Applicant requests that the rejection be reconsidered and withdrawn.

Q. Finally, Applicant notes that the Examiner's focus during the examination of a claim for compliance with the requirement for definiteness of 35 U.S.C. § 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available (*see*, MPEP §2173.02). Some latitude in the manner of expression and aptness of terms should be permitted even though the claim language is not as precise as the Examiner might desire (*see, id.*). The overriding standard to be applied is for the Examiner to give the claim its broadest reasonable interpretation that is consistent with the specification.

The primary purpose of the requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. MPEP §2173. The current grounds of rejection fail to persuade that the scope of the claims, i.e., the boundaries of what constitutes infringement, is unclear.

III. Claim Rejections under 35 U.S.C. § 102(e)

A. Claims 1-13 and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saruta et al. (U.S. Patent No. 6,533,383). Applicant respectfully traverses this rejection on the following basis.

Claim 1 recites that when an ink cartridge is attached to a cartridge holder, it is decided whether or not an ink type information to be used in a recording apparatus has already been set. Applicant submits that Saruta fails to disclose or suggest at least this feature of claim 1.

Saruta discloses an ink jet printing apparatus having a control means 46 which is able to identify a plurality of ink cartridges and count how many times data is written in a memory device of a particular cartridge and is able to write data in the memory corresponding to the number of times data is written in the memory device (see col. 9, lines 7-11). The control means 46 is also able to operate a suction control means 47 and a pump drive means 48 to active pumps 23a which fill ink in the print head 17 by supplying ink from a particular cartridge (see col. 9, lines 25-28).

The amount of ink that is supplied from the cartridge can be calculated and a residual ink amount detection and judgement means 51 is able to store this calculated amount as data representing a consumed ink amount (see col. 9, lines 29-34). The control means 46 writes data representing the consumed ink amount stored in the residual ink amount detection and judgement means 51 in a semiconductor storage area 27, 32 of the respective ink cartridges 1, 2.

Therefore, while Saruta discloses the ability to determine the amount of ink that has been consumed for a respective cartridge, nowhere does Saruta disclose the ability to decide whether an ink type information has already been set, as is recited in claim 1.

In addition, claim 1 sets forth that when it is decided that the ink type information has not yet been set, the ink type information is set so that a type of ink accommodated in the cartridge can be used. As discussed above, Saruta discloses the ability to determine an amount of ink that has been consumed for a respective cartridge but makes absolutely no mention of setting ink type information.

As Saruta makes no mention of setting ink type information, it is clear that Saruta does not disclose the ability to set an ink type information when it is decided that the ink type information has not yet been set so that a type of ink accommodated in the cartridge can be used, as is set forth in claim 1. Indeed, Applicant respectfully submits Saruta does not even remotely suggest such a feature.

Based on the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

Regarding independent 11, Applicant submits that claim 11 is patentable for at least similar reasons as discussed above regarding claim 1. For example, claim 11 recites the feature of an ink type information obtaining step of obtaining ink type information from each ink cartridge and an ink type information setting step. As discussed above, Saruta does not disclose or suggest the ability to obtain and set ink type information and, therefore, clearly does not disclose or suggest these features of claim 11.

In addition, claim 11 sets forth the features of an ink type information comparing step of deciding whether or not all the ink type information is identical and a setting ascertaining step of ascertaining whether or not ink type information about to be used has already been set. The Examiner, however, has not addressed either of these features set forth in claim 11. Indeed, Applicant submits that Saruta fails to disclose or even suggest such features.

Based on the foregoing, Applicant requests that the Examiner reconsider and withdraw the rejection. If the Examiner persists in this rejection, Applicant kindly requests that the

Examiner particularly point out the passages and structure in Saruta that are being relied upon for teaching each feature in claim 11.

Regarding independent claim 18, Applicant submits that claim 18 is patentable for at least similar reasons as discussed above. For example, claim 18 recites the feature of a program for writing a specific ink type when all of the ink cartridges contain ink of the same type and when the specific ink type has not yet been written in a printer memory. As Saruta does not disclose or suggest the ability to obtain and set ink type information, it is clear that Saruta does not disclose a step of writing a specific ink type when all of the ink cartridges contain the same type of ink, as specifically set forth in claim 18.

Further, claim 18 sets forth a printer memory storing therein a program for selecting an operation sequence, a recording head driving condition and an image processing condition corresponding to the specific ink type. The Examiner states that Saruta discloses a printer memory that inherently stores an operation sequence.

The Examiner, however, is mischaracterizing the claim language. The claim does not merely recite the existence of an operation sequence, as appears to be suggested by the Examiner. Rather, the claim sets forth an operation sequence selected corresponding to an ink type. Saruta clearly does not disclose or suggest such a feature. Further, the Examiner has failed to address the features of a recording head driving condition and image processing condition which are also selected corresponding to a specific ink type.

Based on the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Regarding independent claim 19, Applicant submits that claim 19 is patentable for at least similar reasons as discussed above. For example, claim 19 recites the features of an ink type information indicative of a type of ink. As Saruta does not disclose or suggest the ability to obtain ink type information, it is clear that Saruta does not disclose this features of claim 19.

Claim 19 also sets forth the feature of ink type setting permission information specifying that an ink cartridge is an ink cartridge for set up. The Examiner, however, has not addressed the feature of ink type setting permission information as set forth in claim 19. Indeed, as Saruta does not disclose the ability to set ink type information, Applicant submits that Saruta also does not disclose or suggest the feature of ink type setting permission information.

Further, claim 19 sets forth that the ink type setting permission information is inhibited from being read again or is erased once the ink type setting permission information is read. Again, Applicant notes that the Examiner has not addressed this feature of the claim. Indeed, Applicant submits that Saruta fails to disclose or even suggest such a feature. Based on the foregoing, Applicant requests that the Examiner reconsider and withdraw the rejection of claim 19.

Regarding independent claim 20, Applicant submits that claim 20 is patentable for at least similar reasons as discussed above. For example, claim 20 recites writing a specific ink type into a memory area of a printer when the specific ink type has not yet been written and the

feature of selecting an operation sequence condition, recording head driving condition and image processing condition corresponding to the specific ink type. As discussed above, Saruta fails to disclose or suggest these features of claim 20. Accordingly, Applicant requests that the rejection be reconsidered and withdrawn.

Claims 2-10 depend from claim 1 and claims 12 and 13 depend from claim 11. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

In addition, regarding claim 2, the Examiner asserts that Saruta discloses an identifying system 42 indicative of the type of ink accommodated in the ink cartridge. Applicant disagrees. Contrary to the assertion of the Examiner, judgment means 42 of Saruta is responsible for detecting whether an ink cartridge is mounted on or detached from a carriage 11 (see col. 8, lines 12-13). Saruta, however, does not disclose that judgement means 42 can identify a type of ink accommodated in the ink cartridge, as suggested by the Examiner.

Further, regarding dependent claim 3-5, 8-10, 12 and 13, Applicant notes that the Examiner has not addressed any of the features set forth within these claims. Applicant submits that Saruta fails to disclose or suggest the features set forth within claims 3-5, 8-10, 12 and 13 and, accordingly, requests the Examiner to reconsider and withdraw the rejection. If the Examiner persists in this rejection, Applicant kindly requests the Examiner to particularly point out the passages and structure in Saruta that are being relied upon as disclosing the features of these claims so that Applicant may make an informed decision with regard to appeal.

B. Claims 1-13 and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saruta (U.S. Patent No. 6,447,090). Applicant respectfully traverses this rejection on the following basis.

Claim 1 recites that when an ink cartridge is attached to a cartridge holder, it is decided whether or not an ink type information to be used in a recording apparatus has already been set. Applicant submits that Saruta fails to disclose or suggest at least this feature of claim 1.

Saruta discloses an ink cartridge having a controller 46 which is able to determine whether or not ink cartridges 107K and 107F attached to the ink jet printer 1 are suitable for the ink jet printer 1 (see col. 10, lines 54-57). The data that is read by the controller 46 relates to the date of manufacture of the cartridge and a validity term of the cartridge (see col. 10, lines 44-48).

Saruta also discloses a print controller 40 having an EEPROM 90 that stores information regarding the black ink cartridge 107K and the color ink cartridge 107F mounted on carriage 101 (see col. 6, lines 61-63). Information regarding quantities of ink left in each cartridge can be stored in EEPROM 90 (see col. 6, line 64 - col. 7, line 1).

Therefore, while Saruta discloses the ability to determine the date of manufacture of a cartridge and an amount of ink that remains in a respective cartridge, nowhere does Saruta disclose the ability to decide whether ink type information has already been set, as is recited in claim 1.

In addition, claim 1 sets forth that when it is decided that the ink type information has not yet been set, the ink type information is set so that a type of ink accommodated in the cartridge can be used. As discussed above, Saruta discloses the ability to obtain information such as date of manufacture and the amount of ink left in a respective cartridge, but makes absolutely no mention of setting ink type information.

As Saruta makes no mention of setting ink type information, it is clear that Saruta does not disclose the ability to set an ink type information when it is decided that the ink type information has not yet been set so that a type of ink accommodated in the cartridge can be used, as is set forth in claim 1.

Based on the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

Regarding independent 11, Applicant submits that claim 11 is patentable for at least similar reasons as discussed above regarding claim 1. For example, claim 11 recites the feature of an ink type information obtaining step of obtaining ink type information from each ink cartridge and an ink type information setting step. As discussed above, Saruta does not disclose or suggest the ability to obtain and set ink type information and, therefore, clearly does not disclose or suggest these features of claim 11.

In addition, claim 11 sets forth the features of an ink type information comparing step of deciding whether or not all the ink type information is identical and a setting ascertaining step of ascertaining whether or not ink type information about to be used has already been set. The

Examiner, however, has not addressed either of these features set forth in claim 11. Indeed, Applicant submits that Saruta fails to disclose or even suggest such features.

Based on the foregoing, Applicant requests that the Examiner reconsider and withdraw the rejection. If the Examiner persists in this rejection, Applicant kindly requests that the Examiner particularly point out the passages and structure in Saruta that are being relied upon for teaching each feature in claim 11.

Regarding independent claim 18, Applicant submits that claim 18 is patentable for at least similar reasons as discussed above. For example, claim 18 recites the feature of a program for writing a specific ink type when all of the ink cartridges contain ink of the same type and when the specific ink type has not yet been written in a printer memory. As Saruta does not disclose or suggest the ability to obtain and set ink type information, it is clear that Saruta does not disclose a step of writing a specific ink type when all of the ink cartridges contain the same type of ink, as specifically set forth in claim 18.

Further, claim 18 sets forth a printer memory storing therein a program for selecting an operation sequence, a recording head driving condition and an image processing condition corresponding to the specific ink type. The Examiner states that Saruta discloses a printer memory that inherently stores an operation sequence.

The Examiner, however, is mischaracterizing the claim language. The claim does not merely recite the existence of an operation sequence, as appears to be suggested by the Examiner. Rather, the claim sets forth an operation sequence selected corresponding to an ink

type. Saruta clearly does not disclose or suggest such a feature. Further, the Examiner has failed to address the features of a recording head driving condition and image processing condition which are also selected corresponding to a specific ink type.

Based on the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Regarding independent claim 19, Applicant submits that claim 19 is patentable for at least similar reasons as discussed above. For example, claim 19 recites the features of an ink type information indicative of a type of ink and ink type setting permission information specifying that an ink cartridge is an ink cartridge for set up. The Examiner, however, has not addressed the feature of ink type setting permission information as set forth in claim 19. Indeed, as Saruta does not disclose the ability to set ink type information, Applicant submits that Saruta clearly does not disclose or suggest the feature of ink type setting permission information.

Further, claim 19 sets forth that the ink type setting permission information is inhibited from being read again or is erased once the ink type setting permission information is read. Again, Applicant notes that the Examiner has not addressed this feature of the claim. Indeed, Applicant submits that Saruta fails to disclose or even suggest such a feature. Based on the foregoing, Applicant requests that the Examiner reconsider and withdraw the rejection of claim 19.

Regarding independent claim 20, Applicant submits that claim 20 is patentable for at least similar reasons as discussed above. For example, claim 20 recites writing a specific ink

type into a memory area of a printer when the specific ink type has not yet been written and the feature of selecting an operation sequence condition, recording head driving condition and image processing condition corresponding to the specific ink type. As discussed above, Saruta fails to disclose or suggest these features of claim 20. Accordingly, Applicant requests that the rejection be reconsidered and withdrawn.

Claims 2-10 depend from claim 1 and claims 12 and 13 depend from claim 11. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

In addition, regarding dependent claim 3-5, 8-10, 12 and 13, Applicant notes that the Examiner has not addressed any of the features set forth within these claims. Applicant submits that Saruta fails to disclose or suggest the features set forth within claims 3-5, 8-10, 12 and 13 and, accordingly, requests the Examiner to reconsider and withdraw the rejection. If the Examiner persists in this rejection, Applicant kindly requests the Examiner to particularly point out the passages and structure in Saruta that are being relied upon as disclosing the features of these claims so that Applicant may make an informed decision with regard to appeal.

IV. Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Draft Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/025,673

Submitted herewith is a Petition For Extension of Time with fee.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


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23373

CUSTOMER NUMBER

Date: November 5, 2003